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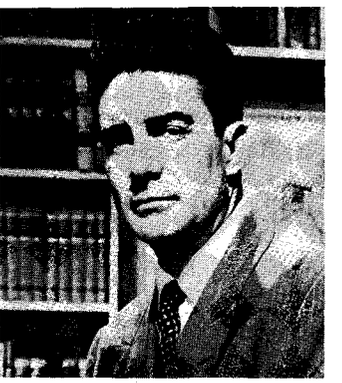

DAN SMOOT

FAIR HOUSING AND URBAN RENEWAL

Dr. Robert C. Weaver is Administrator of the Federal Housing and Home Finance Agency, which dispenses billions of tax dollars for urban renewal and various federal housing programs. Weaver's appointment to this position (by President Kennedy, in 1961) met some resistance in the Senate — not because Dr. Weaver is a negro, but because he has been associated with a few communist fronts and because, at the time of his appointment, he was a board chairman of the National Association for the Advancement of Colored People.[1]

On October 17, 1964 (speaking in San Francisco for the Democratic National Committee),[2] Weaver said that, if California voters approve Proposition 14, the federal government will withhold from California all future grants for urban renewal. He said this will cost California 270 million federal tax dollars in the next four years.[3]

On October 18, Dan Klein, executive vice president of the San Francisco Real Estate Board, said Weaver's threat was a "last ditch" attempt to frighten Californians.[4]

At Los Angeles, on October 19, Weaver repeated the threat.[2] Questioned about it, Weaver said he made the statements "in his official capacity," but acknowledged he could not say "categorically" and "without qualification" that California will lose all federal urban renewal funds if Proposition 14 passes.[5]

Proposition 14 is a proposed amendment to the California State Constitution, on the ballot for a vote of the people in the November 3, 1964, general election. It reads:

"Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses.

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" 'Person' includes individuals, partnerships, corporations and other legal entities and their agents or representatives but does not include the State or any subdivision thereof with respect to the sale, lease or rental of property owned by it.

" 'Real property' consists of any interest in real property of any kind or quality, present or future, irrespective of how obtained or financed, which is used, designed, constructed, zoned or otherwise devoted to or limited for residential purposes, whether as a single family dwelling or as a dwelling for two or more persons or families living together or independently of each other.

"This article shall not apply to the obtaining of property by eminent domain pursuant to Article I, Section 14 and 14½ of this Constitution, nor to the renting or providing of any accommodations for lodging purposes by a hotel, motel or other similar public place engaged in furnishing lodging to transient guests . . . ."

On February 1, 1964, the American Civil Liberties Union of Southern California sent out a letter soliciting new members for ACLU, saying:

"For with enough members and with enough money now, your ACLU can still help . . . [defeat Proposition 14] in November. This we promise you . . . ."[6]

Dick Gregory, negro comedian, has announced that there will be a nationwide boycott against California wines and fruit if Proposition 14 passes.[7]

Early this year, Edmund G. Brown, Governor of California, organized a "bipartisan committee" called "Californians Against Proposition 14."[8]

In April, State Councils of Churches in California decided to give "top priority" to the battle against Proposition 14. Dr. Carroll Shuster, United Presbyterian Executive, accepted chairmanship of a special Civil Rights Committee. A staff, composed of executives from six major church denominations, opened a special office, raised funds, produced brochures, sent out mailings, organized local committees, and staged a series of press conferences.[8]

One of the church leaders' first major public efforts against Proposition 14 was a "Religious Witness for Human Dignity" rally, addressed by Dr. Martin Luther King[8] (whose associations with communists and communist front organizations are less publicized than his "peace" efforts)[9] and by Dr. Myron Cole (President of the Council of Churches in Southern California). On the eve of the Republican National Convention, churchmen led demonstrators (35,000 by their own count) through the streets of San Francisco, in a protest march against Proposition 14.[8]

The entire September, 1964, issue of *Church And Race* (magazine of the National Council of the Protestant Episcopal Church, 815 Second Avenue, New York City) was devoted to denunciation of Proposition 14 in California, with a lead editorial claiming that Proposition 14 is "part of a national campaign to put Real Estate Associations in a position outside the control of laws." The magazine named Roman Catholic Bishops, Episcopal Bishops, and leaders of other church groups who oppose Proposition 14.[8]

The Right Reverend Francis Eric Bloy, Episcopal Bishop of Los Angeles, was quoted as saying:

"I am one who holds that Church leaders should not tell their people how to vote unless their advice is sought, but . . . it is my duty to call the attention of the people of my jurisdiction to the inherent evil and spiritual danger embodied in this particular proposition [14]."[8]

The Most Reverend Floyd L. Begin, S.T.D., Roman Catholic Bishop of Oakland, California, was quoted as saying Proposition 14 contradicts "what is clear and universal Catholic teaching on the rights and duties of those who own property."[8]

The Right Reverend Clarence R. Haden, Jr., Episcopal Bishop of Northern California, was quoted as saying:

"The initiative known as Proposition 14 on the November ballot is an attempt on the part of a segment of the real estate interests of California to place in the State Constitution a principle that property rights take precedence over human rights."[8]

Most churchmen quoted in the September, 1964, issue of *Church And Race* complained that Proposition 14 places "property rights" above "human

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rights." Presumably, the churchmen mean that a human being's right to own property is less important than other human rights.[8] I disagree.

The right to own property *is* a "human right," as essential to freedom and dignity as any other "human right." In fact, when a human being's right to own property is abrogated, all of his other rights go too.

The churchmen would probably cavil at my interpretation of their meaning, insisting that they are not questioning a man's right to *own* property, but rather his right to *control* his property — if it be decided (by other interests) that his *ownership* and *control* impair the "human rights" of the masses.

They evidently do not comprehend that the right of *ownership* is meaningless, if the right of *control* is taken away.

Unintentionally perhaps, church leaders quoted in *Church And Race* have implied a rather low opinion of their own church members. The magazine quotes church *leaders* as calling Proposition 14 "evil," "morally wrong," "a grave affront to the mind and spirit of our Blessed Lord," and so on. Most church *people*, however, approve Proposition 14.[8] From pages 6 and 7 of the September, 1964, issue of *Church And Race*:

"Yet, for all this zeal [on the part of church leaders], it is only fair to admit that church leaders are not successfully bringing along the majority of their congregations in the struggle. The ministers of Glendale, an all-Caucasian suburb of Los Angeles, for example, acknowledged in July that 90% of their congregations favored the discrimination amendment [Proposition 14] and resented clergy efforts to oppose it. A Sierra Madre rector saw his parish split down the middle when he offered the use of his church buildings for a discussion. Opponents threatened to withhold 90% of their offerings. Tension was aroused when the Dean permitted CORE to hold an educational program in Grace Cathedral, San Francisco. The Reverend Charles Eldon Davis, Chairman of the Department of Christian Social Relations for the Diocese of Northern California, reports that throughout the state a majority of Episcopal clergy wish to appear neutral on this issue; therefore, they keep a respectful silence . . . .

"A June opinion poll showed a substantial majority of Californians still willing to wipe fair housing legislation from the state by supporting this Constitutional amendment [Proposition 14]. Passage of the . . . measure will indicate that despite the vigorous efforts of many leaders in the Church, prejudice and fear are not to be uprooted.

"Churchmen in California are being called to witness to their faith in this time of moral crisis. While some are withdrawing their support, others are finding deeper meaning in the Gospel of Jesus Christ. Suffice it to say the Churches of California will never again be the same."[8]

I do not doubt the sincerity of these church leaders. They really seem to imagine they are fighting and suffering as martyrs in a holy cause, while their flock are wallowing in a mire of ignorance, fear, and prejudice. Actually, the church leaders are in the mire, while their people stand on the firm ground of fact and reason.

Proposition 14 is the very opposite of what church leaders call it. It is not a "discrimination amendment." It is an effort to keep the State of California from violating the property rights of Californians.

If Proposition 14 passes, it will repeal the Rumford Act of 1963, and prohibit California State and local governments from enacting similar legislation in the future. The Rumford Act is variously called the California "Fair Housing Law" and the California "Forced Housing Law." There is quite a story behind it.

In 1959, the California State legislature passed three important "civil rights" laws: the Fair Employment Practices Act,[10] the Unruh Act, and the Hawkins Act.[11]

The Fair Employment Practices Act prohibits private employers from discriminating (in hiring and personnel policies) on the basis of race, creed, national origin, and so on. The law prohibits employers from asking a job applicant whether he is a citizen of the United States, or even asking him how long he has been a resident in this country. The Act created a Fair Employment Practices Commission to effect enforcement. The *purpose* of the enforcement Commission was to keep a multitude of petty cases out of court.

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The Commission investigates, adjudicates, and orders settlements. Dissatisfied parties can appeal to the courts; but few such appeals are ever made, because of the cost and bother. Enforcement by the Commission has given advantage to persons who complain that employers have discriminated against them. The Commission generally holds in favor of the complainant. If the employer wants redress from what he considers an unfair FEPC ruling, he must bear the cost of appealing to the courts.

A typical case involved Clarence B. Ramsey, a negro, who, in January, 1961, applied for a job as shipping clerk with the T. H. Wilson Company in San Francisco. The company, considering him unqualified, refused to hire him. Ramsey complained to the FEPC — which ruled that refusal to hire Ramsey was an act of racial discrimination. In August, 1961, the FEPC ordered the company to pay Ramsey $2175.00 — which represented the amount Ramsey would have earned from January to August, 1961, if he had been hired. The company had the option of giving Ramsey that much money — or, of spending more to appeal and fight the case in court.[12]

The California Unruh Act of 1959 declared all persons in the State "entitled to the full and equal accommodations, advantages, facilities, privileges, or service in all business establishments of every kind whatsoever." California courts have held that any landlord renting units in a three-unit dwelling is operating a "business establishment" within the meaning of the Unruh Act. Hence, this Act outlaws racial discrimination in the sale and rental of all housing, except one-family residences and duplex apartments.[8, 11]

The California Hawkins Act of 1959 outlawed discrimination in "publicly assisted housing accommodations." This covers all homes and apartments financed by government-guaranteed loans.[8, 11]

The Unruh and Hawkins Acts covered most housing in California; but advocates of "nondiscrimination" legislation were not satisfied because, under these two laws, complainants had to take their cases into court. The Rumford Act of 1963 combined coverage of the Unruh and Hawkins Acts, and gave the Fair Employment Practices Commisson enforcement powers.[13]

The Rumford Act outlaws racial discrimination in the sale or rental of all publicly assisted multiplex dwellings of more than two family units; of all "publicly assisted" single family dwellings; and of all privately owned and privately financed multiple dwellings of five or more units.[13]

Anyone who claims "housing discrimination" against him because of his race, does not have to go to court. He needs only to notify the Fair Employment Practices Commission. Property owners must bear the burden of appeal to the courts if they wish to seek redress from penalties and rulings by the FEPC,[13] and prospect of relief in the courts is dim.

The Rumford Act was proposed to the California Assembly by Assemblyman W. Byron Rumford (a negro from Berkeley) early in the 1963 session. The Assembly passed the bill and sent it to the Senate. Here is an account (by State Senator Clark L. Bradley) of how the Rumford Act was handled by the California Senate:

When the Rumford Act went to the Senate, it was assigned to the Government Efficiency and Economic Committee, which voted to drop the bill without action. State Senator Luther Gibson, Chairman of this Committee, received a direct threat from *federal* authorities that the Mare Island naval installation (in Gibson's district) would be closed if his committee failed to clear the Rumford Bill. Gibson's Committee again considered the Rumford Bill, and decided to take no action.[14]

Two hours before the end of the 1963 session, Jesse Unruh (Speaker of the Assembly) notified the Senate that he would adjourn the Assembly without taking action on some 200 Senate Bills. Unruh adjourned the Assembly, letting it be known that he would call the Assembly back to act on the Senate Bills, if the Senate acted favorably on the Rumford Bill. The Rumford Bill was then reported out of Senate Committee and passed. Some of the 21 Senators who voted for it allegedly did so only to get consideration for their own bills pending in the Assembly.[14]

Governor Edmund G. Brown signed the Rum-

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ford Act into law on July 18, 1963.[13] California property owners organized to circulate initiative petitions among voters, and soon obtained enough valid signatures to require the State legislature to give California voters a direct chance to repeal the Rumford Act — that is, to put on the ballot for the 1964 elections a "Proposition," to repeal.

The Sacramento branch of the NAACP (supported by State Attorney General Stanley M. Mosk, the American Jewish Committee, the Anti-Defamation League, the Democratic State Central Committee, the Los Angeles Chapter of the American Jewish Congress, and by many leading church officials and organizations) sought a court injunction against placing Proposition 14 on the ballot — but failed.[15]

Proposition 14 is on the ballot in California, and voters will decide its fate. All who understand and respect American principles of liberty earnestly hope the Proposition will pass.

"Fair Housing" laws do not make more or better housing available. They make less housing available for the general population: there are always some people who will refuse to sell or rent property, rather than be compelled to rent or sell to someone they do not want to do business with.

"Fair Housing" laws do not encourage fairness in the building, renting, or selling of houses. They do the opposite. They enable a small group of troublemakers to destroy an important right of all members of society: that is, "Fair Housing" laws eliminate an individual's right to free use of his own real estate.

"Fair Housing" laws do not ease racial tensions. They do the opposite. Agitation in behalf of "Fair Housing" laws (in California and elsewhere) has created immeasurable racial strife and bitterness.

Urban Renewal

Dr. Robert C. Weaver's threat to stop federal urban renewal funds for California if Californians adopt Proposition 14 should encourage the people of that state to vote for the Proposition. Liberals who agitate for "Fair Housing" laws may think they are helping negro and other minority groups. They could really help minority groups if they would bend their efforts toward stopping all federal urban renewal programs.

I urge them to read *The Federal Bulldozer*, a book recently published by MIT Press, Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University. Written by Martin Anderson, a professor at Columbia University, the book is based on facts supplied by federal agencies handling urban renewal programs. Here are passages from Chapter 14 of Dr. Anderson's *The Federal Bulldozer*:

"So far the Federal urban renewal program has been a political asset to many local politicians — they could boast of 'getting their share of the Federal money' and prove their claims of 'getting the city moving again' by pointing to bulldozers and cranes busily destroying and rebuilding. Usually, since it was the poor people, Negroes, and Puerto Ricans who were getting pushed around, many people did not hear much about the program or did not care.

"However, there have been a significant number of instances of active resistance to the program. As more people are forced from their homes, as more businesses are forced to close their doors, as more billions of public money are spent, criticism of the program grows. Some of the leading experts on urban affairs in the United States are beginning to wonder what will happen when more people become aware of the many implications of urban renewal . . . .

"Who wants urban renewal? Certainly not the lower-income groups — they get displaced from their homes to make way for the modern apartments they cannot afford to rent . . . .

"Then who is behind the tremendous push for urban renewal? Raymond Vernon, former director of the New York Metropolitan Region Study, has speculated that the main stimulus for urban renewal comes from two elite groups — the wealthy elite and the intellectual elite . . . . Members of these elite groups include financial institutions, newspapers, department stores, owners of downtown real estate, academic intellectuals, city planners, city politicians, and others who have a strong stake in the maintenance and improvement of the city as they see it today . . . .

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"The Federal urban renewal program has made it more difficult for low- and middle-income groups to obtain housing because of the amount of low-rent housing it has destroyed . . . .

"Most of the new buildings constructed in urban renewal areas are high-rise apartment buildings for high-income families . . . .

"Many of the families that are required to move go into housing as bad as or worse than their original homes in neighborhoods that are as bad or worse than their original neighborhoods. And they often pay higher rents at the new location . . . .

"Urban renewal helps upper income people and a few elite groups. It hurts low-income people, especially those from minority groups . . . .

"Over 60 percent of the people forced to move are either Negroes, Puerto Ricans, or members of other minority groups . . . .

"In 1962, 1,665,000 persons had been or were about to be required to move from their homes [because of federal urban renewal]. If the program continues to expand, more millions will be displaced in the future . . . .

"[It is believed that] urban renewal eliminates slums and prevents the spread of blight . . . . It is likely that urban renewal simply shifts slums and thus encourages the spread of slums and blight . . . .

"[It is believed that] urban renewal generates a large increase in the tax revenues of the city . . . . So far, urban renewal may have caused a decrease in cities' tax revenues. Indications are that chances of urban renewal increasing tax revenues are small, and if they do increase, it is likely that the increase will be slight . . . .

"[It is believed that] the constitutionality of the Federal urban renewal program has been established beyond question . . . . [The fact is that] the constitutionality of the Federal urban renewal program is still an open issue, and a strong case can be made that it is not constitutional . . . ."[16]

Yardstick of Good Government

Taken, with minor abbreviations, from Strom Thurmond Reports To The People, *on the closing of the 88th Congress.*

In attempting to evaluate Congress, or the entire government, there is one proven yardstick which can measure true worth. This yardstick is set forth in the preamble to the Constitution, in the form of five purposes for which the National Government was established. These purposes are:

1. *To Establish Justice.* This purpose is fulfilled when the government is one of laws and not of men; when these laws are applied to all people in all sections of the country without fear or favor; when government actions have been free from favoritism, and government officers have performed their duties according to law rather than according to their independent judgment, whim or caprice.

2. *To Insure Domestic Tranquility.* This purpose is accomplished when the people are secure and feel secure from criminal acts against their persons and property; when there are no disorders, civil unrest and mob actions to threaten or breach the peace.

3. *To provide For a Common Defense.* This purpose is accomplished only when our military forces and the will of our national leaders are so strong that no aggressor dares attack our nation; when sufficient steps have been taken to insure that our defense in the future is not eclipsed by scientific and technological advances; when our nation is capable, not only of overwhelming any attempted military attack, but also of coping with subversive efforts of our enemies.

4. *To Promote the General Welfare.* This purpose is fulfilled when there is a full measure of opportunity for all the people. This purpose is directed at the *general* welfare, not the *material* welfare, for the government does not produce wealth; it can only spend what it takes from the people. This purpose is fulfilled in part by a sound fiscal structure in the government.

5. *To Secure the Blessings of Liberty to Ourselves and Our Posterity.* This purpose is fulfilled when individuals enjoy the fullest possible freedom of decision and action consistent with similar freedom of others; when individuals and groups have the liberty to plan and act out their own destinies without outside interference, regulation, control, intimidation or coercion.

Of the five, the last is most imperative; for without liberty, the others are meaningless. The wise political philosopher, Montesquieu, wrote of liberty in the *Spirit of Laws* in 1748:

> *The political liberty of the subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of an-*

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other. When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; . . .
Again, there can be no liberty, if the judiciary power be not separated from the legislative and executive."

Based on the truth of such philosophy, the Constitution was so drafted as to protect liberty by a division and separation of powers. There can be no liberty where powers are concentrated.

These purposes from the preamble provide the best and truest yardstick by which to measure government, and how well it is performing.

Using these values and standards, each citizen can reach his own verdict on his own government.

FOOTNOTES

(1) "Sen. Blakley Places Weaver on Griddle," by Robert E. Baskin, *The Dallas Morning News*, February 8, 1961; "Weaver Controversy," *Congressional Quarterly Almanac*, 1961, p. 368

(2) "Prop. 14 Called Peril to Urban Renewal Fund," by Paul Beck, *The Los Angeles Times*, October 20, 1964, Part 1, p. 26

(3) "'Fund Cut-Off If 14 Passes,'" *The San Francisco News-Call-Bulletin*, October 17, 1964

(4) "Prop. 14 and Housing Funds," *San Francisco Examiner*, October 19, 1964, p. 16

(5) "Housing Aid Against Prop. 14," *The Los Angeles Herald-Examiner*, October 19, 1964

(6) Letter, American Civil Liberties Union of Southern California, dated February 1, 1964, signed by Rod Serling

(7) "Byram Opposes Gregory Boycott," *The Los Angeles Herald-Examiner*, October 20, 1964, p. A-12

(8) "California Test Case: The Church and Fair Housing," *Church and Race*, Department of Christian Social Relations, Division of Christian Citizenship, Episcopal Church Center, 815 Second Ave., New York City 10017, September, 1964, 32 pp.

(9) For details of Martin Luther King's associations, see this *Report*, "Communism in the Civil Rights Movement," June 1, 1964.

(10) Article by Carl Greenberg, *The Los Angeles Examiner*, March 3, 1959

(11) "Proposition 14: The Cases for and Against," by Gene Blake, *The Los Angeles Times*, September 20, 1964, Section G, pp. 1, 2

(12) AP dispatch from San Francisco, *The Los Angeles Times*, August 24, 1961

(13) *Text of Assembly Bill No.* 1240, California Legislature, 1963, 8 pp.

(14) *How The Rumford Act (A.B. 1240) Was Passed*, excerpts from speech by State Senator Clark L. Bradley of Santa Clara County, California, at the Cabana Hotel, Palo Alto, March 20, 1964

(15) "Rumford Repeal Balloting Upheld," by Daryl Lembke, *The Los Angeles Times*, June 4, 1964, Part 1, pp. 1, 26

(16) "The Federal Bulldozer: Repeal the Federal Urban Renewal Program," extension of remarks by U. S. Representative John Kyl (Rep., Iowa), *Congressional Record*, October 20, 1964, pp. A5384-5 (daily)

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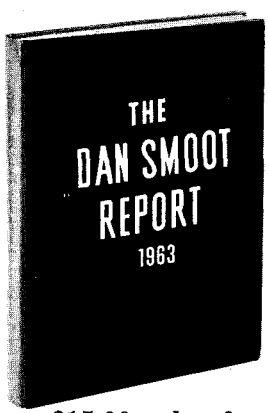

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